



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 11, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar and Anthony Cobos. Absent: Luis G. Sariñana. Meeting was called to order and the invocation was given by Pastor Daniel Perez, Bread of Life Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Mayor Raymond C. Caballero addressed the audience regarding the disasters in New York and Washington and Pennsylvania. He explained that non-essential personnel would be dismissed and allowed to go home from the City Hall building. He stated that the meeting this morning would be abbreviated.

Mr. Charlie McNabb, Interim Chief Administrative Officer, explained that some items on the City Council Agenda may be postponed while other items would need to be addressed today, due to the Public postings. He added that the vote on the tax rate should be postponed until the September 25, 2001 City Council meeting.

Mayor Caballero asked each of the Council Members if they would agree to recess until 10:00 a.m. tomorrow, Wednesday, September 12.

Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar and Cobos agreed to recess until tomorrow at 10:00 a.m. Council Member Luis G. Sariñana was not in attendance.

Mr. McNabb asked Mayor Caballero to take a vote on the remaining items which needed to be postponed until the next week's meeting or longer.

At this time Representative Medina read a portion of the Revisions for the September 11, 2001, City Council meeting.

Ms. Elaine Hengen, Assistant City Attorney, recommended that Council Members take separate votes on various items being discussed by the Council.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to take action as follows: (1) An Ordinance adopting the tax rate and levying taxes for Fiscal Year 2002 - postpone two weeks. (2) Resolution approving Detailed Site Development Plan for 11200 Montana postpone two weeks; (3) Discussion and action on a recommendation by the Bond Overview Advisc Committee to approve and adopt three (3) proposals by the Parks Board- Action was taken only on A. A) That a shortfall for purchase of a 58-acre site for the Northeast Regional Park come out of contingency- postpone one week. (4) The Introduction of No Tax Increase Ordinance; That the city council of El Paso will set the FY 2002 tax rate at .645/\$100 valuation equal to tax rate for 2001 of approximately .66/\$100 valuation. (Jaime O. Perez) was deleted. (5) The Executive Session item: Christina Madrid, 01-COL-009 (551.071) was postponed one week.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone two (2) weeks an Ordinance adopting the tax rate and levying taxes for FY 2002.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the Resolution approving Detailed Site Development Plan No. DP-00026, for a portion of Tracts 8A & 8B1, Section 36, Block 80, TSP. 2, T&P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas (11200 Montana Avenue), pursuant to Section 20.14.140 of the El Paso Municipal Code. Zone: A-M (Apartment-Mobile Home Park). Applicant: Cecilia Cueta / Representative: Acosta Engineering; 3127 Montana, El Paso, TX 79903. **THIS IS AN APPEAL CASE.**

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone one (1) week the recommendation by the Bond Overview Advisory Committee to approve proposal A) That a shortfall for purchase of a 58-acre site for the Northeast Regional Park come out of contingency, by the Parks Board.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried t postpone one (1) week to accept the recommendation by the Bond Overview Advisory Committee to approve and adopt a proposal by the Parks Board as follows: That the City enter into an agreement with the El Paso Diablos whereby the \$40,000 identified for new seats in Sections 'A' & 'S' be used to relocate seats from behind home plate to Sections 'A' & 'S' with any remaining balance going towards the design and construction of concourses behind home plate. Additional costs for the proposed club seating shall be identified as a donation from the El Paso Diablos to the City of El Paso. City staff is instructed to take appropriate action.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to delete the item requesting the Introduction of No Tax Increase Ordinance; That the city council of El Paso will set the FY 2002 tax rate at .645/\$100 valuation equal to tax rate for 2001 of approximately .66/\$100 valuation. (Jaime O. Perez)

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone one (1) week discussion and action on Christina Madrid, 01-COL-009 (551.071) (This item was not heard in Executive Session.

Mr. McNabb recommended that the City Council Meeting be recessed until 10:00 a.m. tomorrow.

Motion made by Representative Medina, seconded by Representative Power and unanimously carried to recess this City Council Meeting until 10:00 a.m., Wednesday, September 12, 2001.

**THE REMAINDER OF THIS MEETING BEGINS
ON THE NEXT PAGE.**

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ANTHONY COBOS
DISTRICT NO. 8

RECONVENING OF COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 12, 2001
10:00 A.M.

The City Council Meeting, which was recessed on Tuesday, September 11, 2001, reconvened at approximately 10:00 a.m. at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None.

Ms. Carole Hunter, City Clerk, announced the reconvening of the meeting and reiterated the revisions, postponements and deletions that took place the day before.

Representative Cook requested that a moment of silence be observed for the victims of the terrorists who died in New York, Washington and Pennsylvania.

Motion made by Representative Sariñana, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {*}).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Appraisal Services not to exceed the amount of One Thousand Two Hundred and No/100ths (\$1,250.00) Dollars by and between the City of El Paso and John Page Kemp, Jr., MAI, for the appraisal of the following parcel:

Lot 20 and the East 5 feet of Lot 19, the West 10 feet of Lot 21 and the South 45 feet of Lots 17 & 18, and the West 20 feet of Lot 19, Block 65, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County Texas, known and numbered as 1001 E. Yandell Dr.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND TWO HUNDRED THIRTY-FIVE AND NO/100THS DOLLARS (\$ 7,235.00 - \$6,440 loan/ \$795 grant) against the following described real property:

Lot 8, Block 1, MILLERS LAKESIDE ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 5, Page 7, Plat Records of El Paso County, Texas; also known and numbered as 326 Edith Drive, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Deed of Trust, whereby Bienvivir Senior Health Services will grant a second priority lien in favor of the City of El Paso on the property located at 2300 McKinley Avenue, El Paso, Texas.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consultant Services Agreement between the City and ENCON International Inc., for environmental engineering consulting services in connection with various soil and water contamination investigations, asbestos investigations, environmental site assessments and other environmental engineering services as required from time to time during a two year period in a total amount not to exceed ONE MILLION DOLLARS AND 00/100 DOLLARS (\$1,000,000.00); and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of ENCON International, Inc., and the City Attorney's office.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of El Paso City-County Health and Environmental District, the following contract amendments and renewals with the Texas Department of Health:

Tuberculosis Elimination Division
Document No. 7460007499-2002, Attachment No. 04
Immunization Division - Locals
Document No. 7460007499-2002, Attachment No.09
Toxic Substances Control Division
Document No. 7460007499-2002, Attachment No. 11

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Working Agreement between the City of El Paso and the El Paso County Attorney's Office, in conjunction with the submission of an environmental prosecution grant application the County Attorney's Office will submit. This agreement does not require or obligate any City funds.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all required documentation and accept a grant award for the El Paso Police Department from the Office of the Governor, Criminal Justice Division, for two years of funding in the amount of \$77,758.00 (Grant #02G00604) to continue funding a Crime Victim Liaison for the Victim Services Response Team of the El Paso Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no City funds are required, and any documents to request and accept an extension of the award ending date for the grant. The City of El Paso agrees that in the event of loss or misuse of Victim Assistance Grant funds, the funds will be returned to the Office of the Attorney General in full. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

| | <u>Lien</u> | <u>Interest</u> | <u>Total Paid</u> |
|-----------------------|-------------|-----------------|-------------------|
| 7940 Mansfield Avenue | \$221.91 | \$1.68 | \$223.59 |

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF EL PASO AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A FOUR-LANE DIVIDED OVERPASS STRUCTURE AT ZARAGOSA ROAD/S.P.R.R., EL PASO, TEXAS.

WHEREAS, Title 23 United States Code, Section 133 provides that surface transportation programs should be developed and implemented by State transportation agencies with the Federal government providing 80/20 funding for approved projects; and,

WHEREAS, upon application of the City, the Texas Transportation Commission, parent agency of the Texas Department of Transportation (TxDOT), approved a project known as the Zaragosa Road Overpass Structure project; and,

WHEREAS, the City desires to enter into a Local Transportation Project Advance Funding Agreement to cost-share funding for the Project; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, a Local Transportation Project Advance Funding Agreement for the construction of a four-lane divided overpass structure at Zaragosa Road/S.P.R.R., El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Ms. Teresa Quezada, Assistant Director of Public Works, explained this project which will build an overpass structure at the Zaragosa intersection.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF EL PASO AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF FIBER OPTIC LINES FOR USE IN AN INTERCONNECTING TRAFFIC SIGNAL SYSTEM AT VARIOUS LOCATIONS CITYWIDE.

WHEREAS, Title 23 United States Code, Section 133 provides that surface transportation programs should be developed and implemented by State transportation agencies with the Federal government providing 80/20 funding for approved projects; and,

WHEREAS, upon application of the City, the Texas Transportation Commission, parent agency of the Texas Department of Transportation (TxDOT), approved a project known as the Traffic Signal System Interconnect project; and,

WHEREAS, the City desires to enter into a Local Transportation Project Advance Funding Agreement to cost-share funding for the Project; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, a Local Transportation Project Advance Funding Agreement, a part of the Traffic Signal System Interconnect Project, for the installation of fiber optic lines for use in interconnecting a traffic signal system at various locations in El Paso, Texas. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN APPLICATION FORM FOR AN OFFICIAL TEXAS HISTORICAL MARKER TO BE PLACED ON CITY PROPERTY IN THE UNION PLAZA DISTRICT COMMEMORATING THE BATAAN MEMORIAL TRAINWAY, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the El Paso Community Foundation has requested that an Official Texas Historical Marker be placed on City Property in the Union Plaza District commemorating the Bataan Memorial Trainway project; and,

WHEREAS, the Texas Historical Commission requires the owner of the property, the City of El Paso, grant permission for the marker to be placed on its property; and,

WHEREAS, the Bataan Memorial Trainway project is the project which placed El Paso's main railroad tracks below street level and allowed for the free flow of traffic in and out of the downtown area; and,

WHEREAS, the City desires to participate in the commemoration of the Bataan Memorial Trainway;
NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign as property owner granting permission, an application form for an Official Texas Historical Marker commemorating the Bataan Memorial Trainway. Said marker will be placed in the Union Plaza District.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, pursuant to the requirements of the Federal Transportation Act, the City of El Paso provide notice to the affected owners of its intent to acquire the following parcels for the Mission Trail Enhancement Project Visitor's Center; a 1995 State Transportation Enhancement Program Agreement

Tract 20D, Block 45, Ysleta Grant;

And lots 10 through 17, Block 2, Harris Subdivision;

All containing 0.91 acres more or less.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art.

| | |
|-------------------------|--|
| Event: | Breakfast Meeting |
| Licensee: | U.S. Mexico Strategic Alliance |
| Date: | September 12, 2001 |
| Time: | 7:00 a.m. - 8:00 a.m. 3:00 p.m. - 6:00 p.m. |
| Charge for Space: | \$800.00 |
| Charge for Staff (est): | \$120.00 |
| Charge for Insurance: | \$40.00 |
| Area(s): | Café and Auditorium |

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Dinner Party
Licensee: Los Caballeros
Date: September 30, 2001
Time: 6:00 p.m. - 10:00 p.m.
Charge for Space: \$500.00
Charge for Staff (est.): \$540.00
Charge for Insurance: \$40.00
Area(s): Gallery Lobby

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **IRMA C CRUZ** to amend the biweekly rate of compensation and the contract period. This Amendment is subject to the approval of the City's Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **Douglass Rittmann, Ph.D., P.E.**, to provide Water/Wastewater Consulting Services for the El Paso Water Utilities at an hourly rate of \$100.00 from September 14, 2001 to September 13, 2002. This contract is subject to the approval of the Civil Service Commission.

NOTE: Resolution was revised to add "This contract is subject to the approval of the Civil Service Commission".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **COCO MORSE BALLEW** to work as a Public Relations personnel at the Museum of Art at the biweekly rate of \$540.00, 20 hours per-week. The total amount of the contract shall not exceed \$9,990.00 and the contract period is from September 14, 2001 through May 31, 2002. This is subject to the approval of the Civil Service Commission.

NOTE: Resolution was revised to add "This is subject to the approval of the Civil Service Commission".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **KIMBERLY MCCARDEN** to do development, marketing, special events planning, and promotion for the Museum of Art at the hourly rate of \$11.72, 20 hours per week. The total amount of the contract shall not exceed \$4,061.00 and the contract period is from September 14, 2001 through December 31, 2001 and is subject to approval of the City's Civil Service Commission.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **LESLIE CONNOR CANADA** as a case manager, Domestic Abuse Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be for the period of September 14, 2001 through May 31, 2002. This is subject to the approval of Civil Service Commission.

***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 9th day of October, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the accessory structure located on the property at 3526 Hamilton Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 21 and 22, Block 46, Grand View Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 60, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Frederico Vasquez, 3526 Hamilton Avenue, El Paso, Texas 79930, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- l) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said accessory structure in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

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 *Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Senior Citizen Program Specialist (1)

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 *Motion made, seconded and unanimously carried to re-appoint Jesus Reyes to the Airport Board by Representative Cook.

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 *Motion made, seconded and unanimously carried to award Bid No. 2001-195 Crack Sealers

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|------------------|--------------------------------|
| Award to: | Crafco Texas, Inc. |
| | San Antonio, Texas |
| Item: | 1 with Optional Item O2 |
| Amount: | \$64,788.00 |
| Department: | Street |
| Funds available: | 250101-208034-MB0001-130 |
| Funding source: | FY2000 Contractual Obligations |
| Total amount: | \$64,788.00 |

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. Lower bids were received but did not meet specifications as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase two (2) Crack Sealers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

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 *Motion made, seconded and unanimously carried to award Bid No. 2001-249 Sahara Addition Phase IV Street & Drainage Improvements

| | |
|-----------|-------------------------|
| Award to: | Quest Contracting, Inc. |
| | El Paso, Texas |

| | |
|------------------|---------------------------|
| Department: | Community Development |
| Funds available: | 150069-7126CD-0016-208027 |
| Funding source: | CD |
| Base Bid I: | \$398,200.00 |
| Base Bid IA: | \$ 4,480.00 |
| Base Bid II: | \$ 29,580.00 |
| Base Bid III: | \$ 16,900.00 |
| Total Award: | \$449,160.00 |

RECOMMENDATION:

The Purchasing Department recommends the award of this contract to Quest Contracting, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

DESCRIPTION OR EXPLANATION

| | |
|--------------------------|--------------|
| Base Bid I: | \$398,200.00 |
| Base Bid IA: | \$ 4,480.00 |
| Base Bid II: | \$ 29,580.00 |
| Base Bid III: | \$ 16,900.00 |
| Total Recommended Award: | \$449,160.00 |

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 *Motion made, seconded and unanimously carried to award Bid No. 2001-265 Aluminum Sign Blanks

| | |
|-----------|-----------------------------------|
| Award to: | Vulcan Aluminum Foley, Alabama |
| Item: | All (1 thru 33) |
| Amount: | \$60,000.00 (Estimated annually) |

| | |
|------------------|---------------|
| Department: | Street |
| Funds available: | 010287-203203 |
| Funding source: | General Fund |
| Total amount: | \$60,000.00 |

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Twenty Four (24) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-278 Fire Hose

Award to: First In, Inc.
Phoenix, Arizona
Items: All
Amount: \$50,000.00 (Estimated annually)

Department: Fire
Funds available: 102010-208007
Funding source: FY01 Capital
Total Award: \$50,000.00

The Fire and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option of extend the term of the contract for one (1) additional year at the same unit prices, if the option is exercised within one (1) year from the date of award.

This is a Requirement Type Contract with an initial term of Twenty Four (24) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-281 York Proprietary Parts & Service

Award to: York International Corporation
Albuquerque, NM
Items: 1 and 2B
Amount: \$75,000.00 (Estimated annually)

Department: Department of Aviation
Funds available: 620003-203121
Funding source: Airport Operating Funds and other accounts as necessary
Total Award: \$75,000.00 (Estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated. They are the low, responsive, and responsible bidder meeting specifications.

This is a twenty-four (24) month requirements-type Contract for York Proprietary Parts & Service.

The Contract will officially begin at 12:01 a.m., September 12, 2001.

Vendor offers the City the option of extending the term of the contract for twenty-four (24) additional months at the same unit prices, if the option is exercised within two (2) years from the date of award of the contract.

No prompt payment discount is offered.
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*Motion made, seconded and unanimously carried to approve the request of District 92 Neighborhood Crime Watch Program/Liz Gray to block off Robert David between Desert Sun and Nancy Lee on September 22, 2001 for a block party. Approximately 100 persons will participate and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-102

*Motion made, seconded and unanimously carried to approve the request of Eastwood High School Student Council to hold a homecoming parade on September 20, 2001 from 6:30 p.m. to 7:30 p.m. Route: Start at Montwood Mall, south on Yarbrough, west on Montwood, south on Linum, and north into Eastwood stadium. Approximately 300 persons, 30 vehicles and 1 animal will take part and 5,000 spectators are anticipated. This request includes permission to use amplification (1 P.A. system). PERMIT NO. 01-108

*Motion made, seconded and unanimously carried to approve the request of Riverside High School Student Council to hold a homecoming parade on September 13, 2001 from 6:00 p.m. to 7:00 p.m. Route: Start at Midway-Knights intersection, proceed on Knights, Jersey, Bernadine, Knights and end in the R.H.S. stadium parking lot. Approximately 200 persons and 20 vehicles will take part and 1,000 spectators are anticipated. PERMIT NO. 01-112

ORDINANCE 14938

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING VICTORY OUTREACH TO USE SHAWVER PARK PAVILION FROM 6:00 AM UNTIL 11:00 PM ON SEPTEMBER 15, 2001**

Motion duly made by Representative Sariñana, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14939

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING YMCA OF GREATER EL PASO TO USE A PORTION OF HOUSTON PARK FROM 12:00 PM UNTIL 5:00 PM ON SEPTEMBER 15, 2001**

Motion duly made by Representative Cobos, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01012, FOR A PORTION OF LOT 28, BLOCK 123, CHAPARRAL PARK UNIT 33, EL PASO, EL PASO COUNTY, TEXAS (800 BLOCK OF E. REDD ROAD), PURSUANT TO ORDINANCE NO. 010264.

WHEREAS, **Henry H. Calderoni, M.D.** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a rezoning condition as set forth in Ordinance No. 010264, to permit the construction and development of a retail strip center; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a retail strip center on the following described property, which is located in a C-1/c (Commercial/conditions) District:

A portion of Lot 28, Block 123, CHAPARRAL PARK UNIT 33, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A".

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/c (Commercial/conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/c (Commercial/conditions) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to approve the above Resolution.

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 236 Candelaria Street (Rear), in El Paso, Texas, which property is more particularly described as follows:

Tract: 9C, Block 46, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County, Texas for tax purposes.

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Victor & Triny Marquez, 11660 Stockmeyer Dr., El Paso, Texas 79936, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 12th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the dilapidated rear accessory structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the dilapidated rear accessory structure be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the travel trailer be removed within 30 days, and
 - d. That a public hearing be scheduled for November 13, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the rear accessory Building, remove the travel trailer and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the rear accessory Building and remove the travel trailer and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the rear accessory Building and removing the travel trailer and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the rear accessory Building and removing the travel trailer and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, presented the case to Council Members and gave the Department's recommendation.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendation and adopt the above resolution.

.....

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3118 E. Missouri Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: All of Lot 23, and the East 16 feet, 8 inches of Lot 24, Block 62, East El Paso Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1, Page 51, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Soledad Munoz, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 12th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for November 6th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds trash, and debris at its own expense, but for and on account of the Owners of said property; ar
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring a. action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, presented the case to Council Members and gave the Department's recommendations.

Representative Sumrall commended Mr. Maguire and his staff for their aggressive efforts to clean up the City.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to accept the Department's recommendations and adopt the above resolution.

.....

RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2506 San Jose Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 28 and 29, Block 38, Highland Park Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1, Page 54, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Herminio & Rose Marie B. Arteaga, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 12th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can not feasibly be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for November 6th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolishing of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, presented the case to Council Members and gave the Department's recommendation.

Mayor Raymond C. Caballero asked if the structure was beyond repair.

Mr. Maguire responded yes and explained the structural problems within the building.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendation and adopt the above resolution.

ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on June 5th and September 12th, 2001, regarding the property located at 114 S. Virginia Street, more particularly described as:

Lots: 17 through 20 and the South 16 feet of Lot 16, Block 205, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building was not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to comply with the following requirements:

- a) That a complete set of plans be submitted to Plan Review within (10) days; and
- b) That the required permits be obtained within (10) days; and
- c) That the rehabilitation of the 3rd floor be completed within (30) days; and
- d) That the rehabilitation of the entire structure be completed within (90) days; and
- e) That a safe means of egress must be maintained at all times; and
- f) The premises be cleaned of all weeds, trash and debris; and
- g) That a Public Hearing be scheduled for September 11th, 2001 in the City Council Chambers to determine if the Council Order has been complied with and if not to determine penalties; and

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on September 11th, 2001, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, the owner Richard Telles and his attorney Gary B. Weiser, appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Richard Telles, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to repair the Building, and clean the property of all weeds, trash and debris within 90 days. That is on or before September 3rd, 2001; and
 - c. That the Owner has failed to comply with the Order each day from September 4th, 2001 through September 11th, 2001, a total of 8 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$8,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Building be vacated and secured and maintained vacant and secure until repaired meet all applicable code standards.
2. That the Owner is hereby assessed the following civil penalties: \$500 a day for each of the 8 days during which the City Council Order of June 5th, 2001 was not complied with; for a total of \$4,000.
3. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
4. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to vacate and secure the Building until it is repaired may result in additional and more severe penalties.

Mr. Thomas Maguire, Building Services, presented the case to Council Members and gave the Department's recommendations.

Representative Cobos thanked Mr. Maguire and Mr. Telles for meeting with him regarding the property. He stated that improvements have been made within the apartment building; however, it just is not enough. He moved to accept the Department's recommendation to vacate the building; however, he disagreed with the recommendation to assess a penalty of \$500.00 per day. He stated that Mr. Telles has made some improvement to the building; therefore, he recommended that the penalty be assessed at \$250.00 per day.

Representative Cook asked Mr. Maguire if a "Schedule of Events", to include vacating the third floor whi the structural damages were assessed and an assessment of the fire evacuation, had been adhered to.

Mr. Maguire responded no.

Representative Cook reiterated that the first 30 day phase never took place, the vacating of the third floor never took place, the structural damage on the third floor was never repaired and the fire safety egress was not provided for as he requested. He asked for comment from the Legal Department regarding the 90 day issue.

Mr. Maguire explained that the property had been condemned; however, the 90 day request was to allow the owner's contractor to repair the structure. As of yet, the work has not been completed.

Mr. Charlie McNabb, Interim Chief Administrative Officer and City Attorney, explained that the usual time limitation to secure and vacate the property is 30 days; however, if the owner presents a schedule of completion satisfactory to the City, Council may utilize the maximum 90 days.

Mr. Maguire explained that the department received a Schedule of Completion; however, did not receive a floor plan.

Mr. McNabb explained that Council had accepted the plan as presented by the owner and gave the maximum 90 days. The issue today is whether they complied with the scheduled repairs.

Representative Power asked Mr. Maguire whether this was the standard penalty.

Mr. Maguire explained how the department came to the conclusion of the \$500.00 per day penalty.

Representative Sumrall noted in her backup that a petition was submitted by the tenants in 1994. She asked Mr. Maguire if the problems noted in 1994 had ever been corrected. She questioned the engineer, Mr. Zamora, and whether he had been involved in the latest remodeling venture. She asked how many tenants occupy the building currently.

Mr. Maguire stated that he could not provide an answer due to him not being in the building in 1994. Mr. Maguire responded that Mr. Zamora has been involved in the latest remodeling situation. He could not provide a definite number of tenants for Representative Sumrall.

Mr. Weiser, attorney representing Mr. Telles, stated that there are 20 families currently occupying the building. He stated that Mr. Telles has been attempting to voluntarily comply with the City's requests. He stated that a Detailed Plan was submitted by Mr. Telles to the Building Services Department. He noted that Mr. Telles has spent over \$53,000.00 to date so that the building might be brought up to Code and \$12,000.00 for the electrical problems, \$12,000.00 for the plumbing issues. He made comments regarding the documents submitted by Mr. Zamora, a local engineer, and the structural integrity of the building. He presented Polaroid pictures to Council Members of the renovations to date. He stated that this remodeling project has incurred some delays; however, the building is in substantial compliance, not unsafe or dangerous.

Representative Power asked Mr. Maguire what the delay was regarding Mr. Telles' acquiring the necessary permits. Representative Power noted that the Building Codes are universally applied and do not prejudice one property owner over another.

Mr. Maguire responded that the documents were not submitted by the contractor in time.

Mr. Weiser made remarks regarding the City's requirements to obtain the required permits.

Representative Cook referred to a letter written by Mr. Zamora dated May 21, 2001 which he read excerpts from referring to the floor's deflection sagging. He asked Mr. Weiser if the necessary repairs to the floor have been completed.

Mr. Weiser responded that the leveling out of the deflection and the sagging areas has occurred on all floors and some joists have been replaced.

Mr. Maguire responded that, to his knowledge, nothing has been removed and no inspection has been done or called for.

Representative Rodriguez asked Mr. Weiser what the required repairs for the first 30 days were.

Mr. Weiser stated that he did not have that information available but could provide a Scope of Work for Representative Rodriguez.

Representative Cook responded that in the first 30 days all tenants were be removed from the 3rd floor.

Mr. Weiser responded that Mr. Telles did remove tenants from the 3rd floor while repairs were being done and from the 2nd floor while these repairs were commencing, etc.

Representative Cook continued and that the structural problems on the 3rd floor would be fixed before the tenants were moved back into their units.

Representative Escobar asked Mr. Maguire whether he was disputing the fact that the property owner had spent approximately \$52,000.00 in repairs.

Mr. Maguire responded that he did not know the actual amount of monies spent by Mr. Telles but the repairs required have not been accomplished in the 90 days as stated.

Representative Cobos asked if the plumbing delays have been corrected.

Mr. Weiser commented that the project is now back on schedule due to the location of the necessary fixtures.

Representative Cobos stated that he has inspected the building and has spoken with the tenants who have expressed their concern finding inexpensive housing; however, the tenants have commented on the insects and vermin within the building. He stated that the property owner has made a good faith effort to have the building repaired; however, as of this date the building is not up to Code. Due to the good faith effort he is recommending that the \$500.00 penalty be reduced to \$250.00 per day.

Mr. Maguire stated that he does not have a problem with the recommendation of the reduced penalty.

Representative Cobos stated that the City is vacating the building until it is brought up to Code.

Representative Rodriguez expressed her concerns regarding the delays in the repairs of the building and the contractor's lack of knowledge with respect to the requirements.

Mr. Weiser remarked that he felt the City was arbitrating capriciously with he and his client in terms of what the City demand they repair.

Representative Sariñana stated that Council has been persistent regarding the condemnation hearings and the timeliness of the repair(s). He stated that the tenants should come first.

Representative Power questioned if the Plumbing Code(s) varied from building to building.

Mr. Maguire explained that the principles of the Plumbing Code apply universally. He briefly discussed the plumbing faucets required for this particular building.

Mr. Telles, addressed Council and stated that he had spent over \$53,000.00 for the necessary renovations to this property. He stated that he could not find the necessary faucets within the City; however, they are being ordered. He then listed the repairs which have been made to the building as of present.

Motion made by Representative Cobos, seconded by Representative Cook and carried to accept the Department's recommendation except that the fine be reduced to \$250.00.

Representatives Sumrall, Rodriguez, Power, Escobar and Sariñana voted Nay.
Representatives Medina, Cook and Cobos voted Aye.
The Motion did not pass, 3 in favor – 5 opposed.

Representative Rodriguez moved to accept the Department's recommendation to include the \$500.00 per day fine. Motion was seconded by Representative Cobos and unanimously carried.

Mr. McNabb explained that the finding was made on June 5, 2001 that the building was unsafe and dangerous. This meeting is to determine penalties if the order was not complied with.

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Discussion took place regarding the recommendation by the Bond Overview Advisory Committee to approve and adopt three (3) proposals by the Parks Board as follows: A) That a shortfall for purchase of a 58-acre site for the Northeast Regional Park come out of contingency.; B) That the sum of \$122,000 for lighting at the Alta Vista Ball Field be moved from Year 8 to Year 2 and the sum of \$178,000 for lighting at the Veterans Park Ball Field be moved from Year 9 to Year 2, on the basis of safety concerns.; and C) That the City enter into an agreement with the El Paso Diablos whereby the \$40,000 identified for new seats in Sections 'A' & 'S' be used to relocate seats from behind home plate to Sections 'A' & 'S' with any remaining balance going towards the design and construction of concourses behind home plate. Additional costs for the proposed club seating shall be identified as a donation from the El Paso Diablos to the City of El Paso. City staff is instructed to take appropriate action.

Representative Sumrall asked if the funding for the project was being taken from any other City Representative's District. She stated that the timelines would not be altered for projects in other Districts.

Mr. Charlie McNabb, Interim Chief Administrative Officer, stated that Council Members could change the priority but not take monies from another project.

Mr. Richard Garcia, Parks Operations Manager, responded to comments made by Representative Sumrall.

Representative Cook suggested that the lighting projects for the east side parks be somehow added to the Eastside Park Agreement.

Mr. McNabb stated that the City Attorney's office has researched this and has concluded that Representative Cook's suggestion could not be accomplished.

Representative Rodriguez asked when the replacement lights for Memorial Park would be completed. She suggested that while replacing the lights at Alta Vista, the lights at Memorial Park be replaced as well.

Mr. Garcia responded that the replacement lighting for Memorial Park was a second year item.

Representative Cook asked Mr. Garcia to present the slides for Council Members.

At this time Mr. Garcia presented slides and commented on the lighting at the above mentioned parks.

Mr. McNabb asked that the Parks and Recreation Department explain that these lights are not an immediate safety hazard to the public.

Mr. Garcia stated that the lights have already begun to be removed.

Representative Power asked if any Council Members were present at the BOAC meeting. He asked what the repercussions would be if the lights were not replaced.

Mr. Garcia explained that no Council Members were present at the BOAC meeting. He stated that several organizations utilize the Parks such as the Optimists Youth program.

Representative Cook pointed out that the Parks Advisory Board recommended that the item be moved forward.

Representative Medina stated that there may not be a safety concern today but there is always the possibility of an accident. He referred to the slides presented by Mr. Garcia and noted that the lights needed replacing directly.

Motion made, seconded and unanimously carried to accept the recommendation by the Bond Overview Advisory Committee to approve and adopt a proposal by the Parks Board as follows: That the sum of \$122,000 for lighting at the Alta Vista Ball Field be moved from Year 8 to Year 2 and the sum of \$178,000 for lighting at the Veterans Park Ball Field be moved from Year 9 to Year 2, on the basis of safety concern City staff is instructed to take appropriate action.

.....
Motion made Representative Sumrall, seconded by Representative Cobos and unanimously carried to authorize the Director of Purchasing to reject the bids submitted for Bid No. 2001-210, Police Motorcycles for the Police Department.

This item will be re-bid with revised specifications.

Representative Escobar questioned why this item was being re-bid.

Mr. Byron Johnson, Director of Purchasing, explained that the bids submitted for this item did not meet the specifications; therefore, the Purchasing and Police Department will meet and prepare new/different specifications. The Police Department has 26 motorcycles in use currently which need replacing.

Representative Medina asked if the project was properly bid.

Mr. Johnson responded that no bids submitted met the specifications.

Mr. Charlie McNabb, Interim Chief Administrative Officer, stated that Council Members are not obligated to award a bid and Council Members can reject all bids.

Mr. Johnson responded that if the bids do not meet the specifications, the Department does not make a recommendation. He commented on the change in the specifications. There were two companies which bid on this item.

.....
Motion made by Representative Sumrall, seconded by Representative Rodriguez and unanimously carried to approve the El Paso County 911 District Fiscal Year 2001-2002 Budget pursuant to Texas Health and Safety Code 772.309.

Representative Sariñana asked if this was part of the budget which has not yet been adopted.

Mayor Raymond C. Caballero responded no, this is a separate budget.

Mr. Charlie McNabb, Interim Chief Administrative Officer, reiterated that this is a separate budget of the 911 District whereas the statute states that the item must come before Council Members for approval.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on citizens view towards urban sprawl. (Kris Johnson)

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of all of Lot 16, Block 2, KYLE ADDITION (428 French Place) from R-5 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Julia Oñate; 428 French Place, El Paso, TX 79905. ZC-01044.

- B.** An Ordinance changing the zoning of all of Lot 11 and a portion of Lot 12, Block 13, ALEXANDER ADDITION (1218 N. Kansas Street) from A-2 (Apartment) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Ruben Ponce; 11404 James Grant, El Paso, TX 79936. ZC-01046. **THIS IS AN APPEAL CASE.**
- C.** An Ordinance changing the zoning of Lots 1-A and 1-B, less the easterly 5 feet of Lot 1-B of Tract 13, LAFAYETTE PLACE, El Paso, El Paso, County, Texas (8010 North Loop Drive) from R-3 (Residential) to C-4 (Commercial), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Eulogio Ortiz and Angel Ortiz / Representative: Luis & Rene de la Cruz; 9013 Lait Drive, El Paso TX 79925. ZC-01047.
- D.** An Ordinance changing the zoning of a portion of Lot 2, Block 3, NORTHWESTERN CORPORATE CENTER UNIT 4, El Paso, El Paso, County, Texas (6600 North Desert Blvd) from M-1 (Light-Manufacturing) to C-4 (Commercial), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Prologis Trust Inc. – David Majors / Representative: CSA Consulting Engineers, 1845 Northwestern Dr. Ste. C, El Paso, TX 79912. ZC-01049.
(Revised to change address from 8010 North Loop Dr. to 6600 North Desert Blvd.)
- E.** An Ordinance changing the zoning of all of Lot 1, Block 1, NORMANDY ADDITION, El Paso, El Paso County, Texas (6363 Airport Road) From R-4 (Residential) To C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Rosa I. Talamantes & Miguel Villalba; 5416 Paraguay, El Paso, TX 79903. ZC-01043. **THIS IS AN APPEAL CASE.**

PUBLIC HEARING WILL BE HELD ON OCTOBER 2, 2001 FOR ITEMS A - E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Texas Highway Traffic Safety Program Grant in the amount of \$200,000.00 from the Texas Department of Transportation, for the purpose of creating a DWI selective traffic enforcement program (STEP) for the state fiscal year 2002; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In-kind match required in the amount of \$140,377.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

To authorize the Fire Department to assist with a ladder truck the Mexican Consulate's installation of a security device on its flag pole prior to the Mexican Consulate's 16th of September celebration.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council authorizes Parks & Recreation Department officials to utilize City Council Chambers on Wednesday, September 26, 2001 from 11:30 to 1:00 p.m. to host City Hall Jam, a free admission event, and that the Mayor be authorized to sign two (2) volunteer artist performance agreements to provide live/pre-recorded musical entertainment for the events. This is at no cost to the City.

NOTE: Resolution was revised to delete the language "Wednesday, September 12, 2001 from 11:30 a.m. to 1:00 p.m."

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **LUIS GARCIA** as a PC LAN Specialist I, for the Information Services Department at biweekly rate of \$1,224.00, not to exceed 40 hours per week. The term of the contract shall be for the period of September 14, 2001 through September 13, 2003, this is subject to the approval of Civil Service Commission.

NOTE: Resolution was revised to add "this is subject to the approval of Civil Service Commission."

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **EDWARD J. OZOGAR**, as a PC LAN Specialist, for the Information Services Department at a biweekly rate of \$1,398.40, not to exceed 40 hours per week. The term of the contract shall be for the period of September 14, 2001 through September 13, 2003. This is subject to the approval of Civil Service Commission.

NOTE: Resolution was revised to add "This is subject to the approval of Civil Service Commission."

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ERNESTO PORRAS** as a PC LAN Specialist, for the Information Services Department at biweekly rate of \$1,364.80, not to exceed 40 hours per week. The term of the contract shall be for the period of September 14, 2001 through September 13, 2003. This is subject to the approval of the Civil Service Commission.

NOTE: Resolution was revised to add "This is subject to the approval of the Civil Service Commission."

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Service Contract between the **CITY OF EL PASO** and **BRUCE ORNDORF**, as a Latent Fingerprint Trainer and Examiner for the Police Department at the rate of \$18.00 per hour, not to exceed 40 hours per week. Contract term is from September 14, 2001 through March 14, 2002. This contract is subject to the approval of the City's Civil Service Commission.

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Deputy Court Clerk I (1)

*Motion made, seconded and unanimously carried to approve the request of Representative Rodriguez that \$180.00 be allocated from District 2 Discretionary Fund Special Projects to the Memorial Park Library to provide refreshments and presenters for the Thursday Afterschool Storytimes and the Saturday Family Storytimes at the Memorial Park Branch.

*Motion made, seconded and unanimously carried to approve the request of Representative Rodriguez that \$2,000.00 be allocated from District 2 Discretionary Fund Special Projects to the Nolan Richardson Recreation Center to assist with the center's Halloween, Christmas, and Easter parties.

*Motion made, seconded and unanimously carried to appoint Lance E. Ruck to the Districting Commission by Representative Rodriguez.

No action was taken on the discussion and action on the hiring of Bill Bennett to the position of ADA/Accessibility Coordinator.

Mr. Charlie McNabb, Interim Chief Administrative Officer, explained that because this is a personnel matter, he recommended that the item be discussed in Executive Session.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to move the above item to Executive Session.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

| | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

Discussion on the hiring of Bill Bennett to the position of ADA/Accessibility Coordinator.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council.

.....
No action was taken on the discussion and action on the hiring of Bill Bennett to the position of ADA/Accessibility Coordinator.

Mayor Raymond C. Caballero introduced Mr. Reid and explained that this item must appear before the City's Civil Service Commission.

Mr. Eric Reid, of VOLAR stated he understood that the item had to appear before the Civil Service Commission and addressed issues relating to physically challenged individuals which Mr. Bennett may not be able to adequately address. He asked that this item be researched further.

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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:50 a.m.
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APPROVED AS TO CONTENT:

Carole Hunter

Carole Hunter, City Clerk

APPROVED AS TO FORM:

Rita Rodriguez

Rita Rodriguez, First Assistant City Attorney